

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CHARLES MARTIN,

Plaintiff,

v.

MID AMERICA MORTGAGE, INC.,

Defendant.

Case No. 1:22-cv-621

Judge Jeffery P. Hopkins

OPINION AND ORDER

On June 14, 2023, the Court entered an order granting the motion of Peter Cozmyk to withdraw as counsel for Plaintiff, Charles D. Martin. Doc. 9. That order required that: “on or before July 19, 2023, Plaintiff Charles D. Martin shall obtain new counsel or advise the Court of his intention to proceed with this case pro se (without counsel).” The order was served, via regular mail, on Plaintiff at two separate addresses. Although the copy addressed to 3484 Niagara St., Cincinnati, OH 45251 was returned as undeliverable, the copy delivered to 7093 Winton Rd., Cincinnati, OH, 45224—his last known address—has not been returned. The deadline in the order passed and Plaintiff failed to notify the Court of his intention to proceed pro se or to obtain new counsel, and no counsel entered an appearance for Plaintiff.

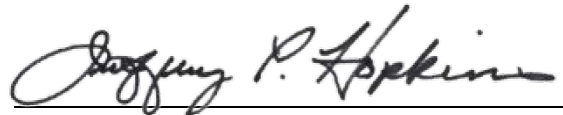
The Court thus issued the Show Cause Order on July 31, 2023. Doc. 11. The Show Cause Order required Plaintiff to respond in writing by September 1, 2023, indicating why the Court should not dismiss this case for failure to prosecute. *Id.* The Show Cause Order was mailed to Plaintiff’s last known address. *Id.* After almost 10 months, Plaintiff has failed to respond.

A pro se litigant has an affirmative duty to diligently pursue the prosecution of his cause of action. *See Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991). District courts have the power to dismiss civil actions for want of prosecution to “manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Link v. Wabash R.R.*, 370 U.S. 626, 630–31 (1962). *See also Jourdan*, 951 F.2d at 109. Plaintiff’s failure to respond to the Show Cause Order warrants the termination of his case pursuant to Rule 41 of the Federal Rules of Civil Procedure. *See Jourdan*, 951 F.2d at 109–10.

Based on the above, it is hereby **ORDERED** that this matter be **DISMISSED** without prejudice and **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

Dated: May 21, 2024

A handwritten signature in black ink, reading "Jeffery P. Hopkins", written over a horizontal line.

Hon. Jeffery P. Hopkins
United States District Judge